

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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|---------------------------|---|---------------------------|
| James Bernard Curry, |) | C/A No. 0:14-2266-JFA-SVH |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| Douglas A. Barfield, Jr., |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

The *pro se* plaintiff, James Bernard Curry, is an inmate with the South Carolina Department of Corrections. He brings this action pursuant to 42 U.S.C. § 1983 alleging that the defendant, Solicitor Douglas A. Barfield, violated his constitutional rights in connection with a false affidavit he prepared and notarized for Great Falls Police Chief J.M. Revels. Plaintiff contends that this affidavit caused him to be arrested without probable cause and wrongfully convicted of various criminal charges. He seeks monetary damages.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the § 1983 action should be summarily dismissed. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

incorporates such without a recitation.

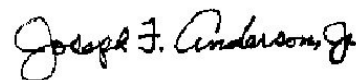
The plaintiff was advised of his right to file objections to the Report. In his one-page memorandum, the plaintiff reiterates his claim that the affidavit contained false information and is fraud upon the court. He also requests that an investigation of the defendant be ordered by this court. The plaintiff's objections are without merit and are thus overruled.

The Magistrate Judge correctly opines that prosecutor have absolute immunity for activities in or connected with judicial proceedings. *See Buckley v. Fitzsimmons*, 509 U.S. 259 (1993). As defendant Barfield's preparation of the affidavit was an action associated with the prosecution of plaintiff's state criminal charges, plaintiff's claims are barred against the defendant.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporates it herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

July 23, 2014
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge